

BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender
19th Floor Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7700
Counsel for Defendant SIMON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-07-0335 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO VACATE HEARING ON
v.)	DEFENDANT'S MOTION TO DISMISS
)	AND SET MATTER FOR CHANGE OF
MARTIN SIMON,)	PLEA
)	
Defendant.)	
)	

Now pending before the Court is defendant's motion to dismiss. The government has agreed to file its opposition on or before August 31, 2007, and the Court has scheduled a hearing on defendant's motion for September 14, 2007.

The parties have reached a tentative resolution to the case. Accordingly, the parties agree and stipulate that the hearing on defendant's motion should be vacated, and the matter set for change of plea on September 14, 2007. The parties further agree and stipulate that the

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1 government shall file no opposition to defendant's motion at this time.

2 IT IS SO STIPULATED.

3 Dated: 8/28/07

/s/

BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

6 Dated: 8/28/07

/s/

SCOTT N. SCHOOLS
United States Attorney
ALLISON DANNER
Assistant United States Attorney

10 **ORDER**

11 Accordingly, and for good cause shown, the motions hearing on September 14, 2007 is
12 hereby vacated. The parties are directed to appear on September 14, 2007 at 11:00 a.m. for
13 change of plea. The briefing schedule on defendant's motion shall be suspended pending change
14 of plea.

15 IT IS SO ORDERED.

16 Dated:



SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE